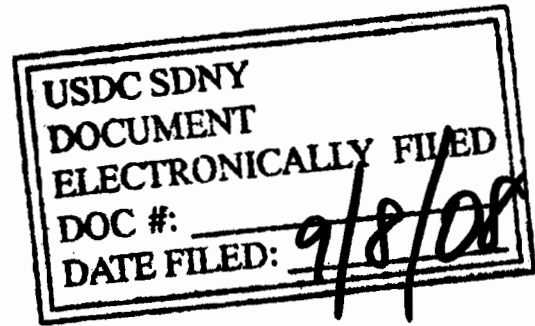


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



RAYMOND BOUTTE,

Petitioner,

-v.-

THOMAS POOLE,

Respondent.

07 Civ. 8412 (GEL)

**ORDER**


GERARD E. LYNCH, District Judge:

On August 4, 2008, this Court issued an opinion and order denying petitioner's application for habeas corpus relief in the above-captioned action. Judgment was entered on August 5, 2008. By letter dated September 4, 2008, and in view of the additional time required to review the Court's opinion and order, petitioner requests a thirty day extension of the time within which to file a notice of appeal.

Under Fed. R. App. P. 4(a)(5)(ii), a district court has discretion to extend the time within which a litigant must file a notice of appeal by thirty days if the litigant can demonstrate "good cause" for seeking the extension. Here, petitioner, who is incarcerated, unlearned in the law, and lacking significant monetary resources, should not be compelled to forfeit his appeal rights because of the additional time required for him to review the Court's opinion and order and determine whether to pursue an appeal. Given that petitioner has shown good cause pursuant to Fed. R. App. P. 4(a)(5)(ii) for seeking an extension of the time within which he is required to file a notice of appeal from the August 5, 2008 judgment entered against him in the above-captioned action, it is hereby ORDERED that if petitioner desires to take an appeal from that judgment, he must file his notice of appeal with this Court by October 6, 2008.

SO ORDERED.

Dated: New York, New York  
September 4, 2008

  
GERARD E. LYNCH  
United States District Judge